

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 64111-5-I
Respondent,)	
)	
v.)	DIVISION ONE
)	
JAMES LEE MARLOW, II,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: June 7, 2010

PER CURIAM. James Marlow appeals from an order amending his judgment and sentence for rape in the first degree, felony harassment and fourth degree assault. Marlow's court-appointed attorney has filed a motion to withdraw on the ground that there is no basis for a good faith argument on review. Pursuant to State v. Theobald, 78 Wn.2d 184, 470 P.2d 188 (1970), and Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967), the motion to withdraw must:

[1] be accompanied by a brief referring to anything in the record that might arguably support the appeal. [2] A copy of counsel's brief should be furnished the indigent and [3] time allowed him to raise any points that he chooses; [4] the court--not counsel--then proceeds, after a full examination of all the proceedings, to decide whether the case is wholly frivolous.

State v. Theobald, 78 Wn.2d at 185 (quoting Anders v. California, 386 U.S. at 744).

This procedure has been followed. Marlow's counsel on appeal filed a brief with the motion to withdraw. Marlow was served with a copy of the brief and informed of his right to file a statement of additional grounds for review.

The facts are accurately set forth in counsel's brief in support of the motion to

withdraw. The court has reviewed the briefs filed in this court and independently reviewed the entire record. The court specifically considered the following potential issue raised by counsel:

Whether amending the judgment and sentence in Marlow's absence violated his right to be present at all critical stages of his prosecution?

This issue is wholly frivolous. Counsel's motion to withdraw is granted and the appeal is dismissed.

For the court:

Spencer, J.

Dupre, C. S.

Becker, J.